From: Harry McLeod [hamcleod@shaw.ca]
Sent: March-29-10 9:43 PM
To: Living Water Smart ENV:EX
Cc: Ron Moll
Subject: British Columbia's Water Act Discussion Paper
Attachments: Island Waters Fly Fishers att.pdf

Categories: Green Category

Attached is the Island Waters Fly Fishers Club response to your discussion paper.

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Please consider this the submission of the Island Waters Fly Fishers club. Nanaimo, B.C. regarding the discussion paper : British Columbia's Water Act Modernization. In replying , the Submission Guide on page 35 was followed, and are shown in bold lettering, as is other parts of the text where questions are asked ,but do not appear on p35 . The Island Waters Fly Fishers response is indicated by **IWFF :**

Goal One
Protecting stream health and aquatic environments

5.1 Objectives for protecting stream health and aquatic environments

1. Environmental flow needs are considered in all water allocations to protect stream health
2. Watershed or aquifer-based water allocation plans include environmental flows and the water available for consumptive use
3. Habitat and riparian area protection provisions are enhanced

INDICATE LEVEL OF SUPPORT FOR THE OBJECTIVES PROPOSED

IWWF: Support. Suggest the word "required" replace "considered" in Objective 1.

5.2 Possible solutions

Objective One

A. Environmental Flow Guidelines
B. Environmental Flow Standards

WHICH OPTION DO YOU PREFER AND WHY? ARE THERE OTHERS?

IWFF; Option B. To provide standards that decision makers *must adhere with no exceptions*.

WHY: **IWFF :** To provide greater protection to stream health.

ARE THERE OTHERS? **IWFF** :4. Barriers to fish migration should be eliminated or mitigated wherever possible. Further comment: Flow standards should be determined by a fisheries biologist.

Objective Two

Options for including water allocation plans in the Water Act

A. The development of water allocation plans is optional, or
B. The development of water allocation plans is required, and
C. The decision maker must consider the water allocation plan, or
D. The decision maker must follow the water allocation plan

<u>WHICH OPTIONS DO YOU PREFER, AND WHY? ARE THERE OTHERS?</u>

IWFF : A. Water allocation plans would seem to be unnecessary for all situations.

UNDER WHAT CONDITIONS SHOULD A WATER ALLOCATION PLAN BE DEVELOPED AND HOW SHOULD IT BE APPLIED ?

IWFF: Where there is development or low water conditions that is likely to adversely affect the health of the stream or it's recreational use. It should be applied where conflicts are likely to arise, and require the protection of stream health, including sufficient water for resident and anadromous fish.

Objective Three

Options for protecting habitat and riparian areas

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A. Maintain the requirement for an Engineer's order to prohibit dumping of material into streams(reflects current situation). Or

B. Amend the Water Act to include a prohibition against dumping of a wider range of debris and materials into streams, with a requirement for the person responsible for dumping to restore stream health.

WHICH OPTION DO YOU PREFER, AND WHY ? ARE THERE OTHERS ?

IWFF: Option B. This option would seem to offer better protection but only if the offending individual had a real chance of being caught.

Other Options: **IWFF:** Clarify the authority responsible to dumping and restoration. This could possibly be the local municipality.

Goal Two: Improve Water Governance Arrangements

6.1 Objectives for improving water governance

1. Governance roles and accountabilities are clarified in relation to the allocation of water and protection of stream health.
2. Governance arrangements are flexible and responsive to future needs and values.
3. Management is coordinated with neighbouring jurisdictions across all levels of government and those with a major interest in the watershed.

INDICATE YOUR LEVEL OF SUPPORT FOR THE OBJECTIVES PROPOSED

IWFF: SUPPORT

Options for improving water governance

A. Centralized approach
B. Shared approach
C. Delegated approach

WHICH APPROACH DO YOU PREFER, AND WHY? ARE THERE OTHERS?

IWFF: Delegated Approach. This approach is preferred whereby water management functions and decisions are made where local knowledge of area conditions are likely to be greatest. The watershed is the most appropriate unit for source water protection, flood control, managing low water situations, and the protection of fish habitat. It is also a manageable size to partner with other levels of government, landowners, or groups, for conservation projects and activities.

WHAT SCALE OF WATERSHED IS MOST APPROPRIATE FOR WATER PLANNING AND MANAGEMENT ?

IWFF: For water planning and management, the watershed should be the basic unit. Where a number of watersheds form a basin, it may be more appropriate to coordinate management and planning on this scale. Watersheds should be delegated enough authority that they can remain largely independent with a minimum of oversight from senior levels of government. Water Act Districts and Regional District boundaries could then be realigned to correspond to one or more watersheds, and to basins, which they appear not to do presently (p43).

WHAT FUNDING SOLUTIONS MIGHT HELP TO IMPLEMENT THE APPROACH ?

IWFF: For solutions to funding , one might look to the Ontario experience, where Conservation Authorities have managed individual (sometimes two) watersheds in populated areas since 1946. Some 32 Conservation Authorities cover about 90% of Ontario's population . They are funded primarily through self

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generated revenues (42%), municipal levies (33%), provincial grants and special projects (17%), municipal special projects (6%), and federal grants and projects (2%). They deliver programs and services totalling more than 254 million annually through nearly 3000 full time and seasonal staff.

WHAT ARE THE IMPORTANT CONSIDERATIONS FOR ACCOUNTABILITY, TRANSPARENCY, AND DISPUTE RESOLUTION PROCESSES IN ANY DELEGATED OR SHARED APPROACH ?

IWFF: In keeping with a Conservation Authority approach suggested above, governance would be by a board of municipally appointed members, the majority of whom are also elected municipal councillors, thereby giving a measure of accountability. A general manager is responsible for most decisions but disputes can also be resolved by the board of directors.

WHAT ARE THE BENEFITS AND IMPLICATIONS OF SHARING ROLES FOR WATER STEWARDSHIP ?

IWFF: Decisions on water management and protection can be made at the local level within a framework of legislation and oversight provided by the province. Water can be managed and protected at it's source with consideration given to all users. A stable source of income is provided for the conservation , restoration, and management of water, land, and natural habitats through programs that can balance human, environmental and economic needs.

Goal Three
7.1 Objectives for introducing more flexibility and efficiency in the water allocation system

1. The water allocation system emphasizes and encourages efficiencies in both water use and the administration of water as a natural resource
2. Water users and decision makers have flexibility to quickly adapt to changing environmental, economic and social conditions
3. The water allocation system integrates the management of groundwater and surface water resources where required in problem areas
4. Water users conserve water during drought or when stream health is threatened

INDICATE YOUR LEVEL OF SUPPORT FOR THE OBJECTIVES PROPOSED

IWFF: Support

Options to encourage water use efficiency

A. Government determines actual needs in relation to a proposed undertaking on the basis of efficient practices and works, or

B. Codes for efficient infrastructure and practices in different sectors are developed…….and

C. The use of incentives and economic instruments…….. Or

E. Review rules for the transfer and apportionment of existing water rights

WHICH OPTIONS DO YOU PREFER, AND WHY ?ARE THERE OTHERS ?

IWFF: B and C, as these would seem to be less administratively onerous.

Others: **IWFF:** Licences could be cancelled if water use was found to be adversely affecting the health of a stream.

Options to encourage administrative efficiency

E. Permitted uses defined and consistent throughout province, or
F. Permitted uses defined but might be applied differently, and
G. Voluntary self-registration, or
H. Required self-registration of the permitted use withdrawal

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WHICH OPTIONS DO YOU PREFER, AND WHY ? ARE THERE OTHERS ?

IWFF: None of the above. Permitted uses can have cumulative effects, which can be damaging. For instance, incremental growth of housing on an aquifer or along a stream, increased water taking over time, etc. Better to require that some things like stream health be mandated in the Water Act and leave decisions on water implications up to a watershed manager.

WHAT CONSIDERATIONS WOULD HELP DETERMINE WHICH WATER USES AND EXTRACTION RATES COULD QUALIFY AS A PERMITTED USE (NO WATER LICENCE REQUIRED)? WHAT CONTROLS ARE NEEDED? HOW SHOULD PERMITTED USE STATUS BE PROTECTED?

IWFF: See previous comment.

Options to encourage administrative and water use efficiencies
IWFF: I-O

WHICH OPTIONS DO YOU PREFER, AND WHY? ARE THERE OTHERS?

IWFF: I through N depending on the circumstances.
Others: No further comment

Objective three
The water allocation system integrates the management of groundwater and surface water resources where required in problem areas.

Options for the water allocation system
A. First-in-time-first-in-right
B. Priority of use.

WHICH OPTION DO YOU PREFER, AND WHY? ARE THERE OTHERS?

IWFF: B, with a change in the precedence indicated to make conservation the highest priority(I.e. streams, groundwater, aquifers, riparian areas), thereby protecting the most vulnerable to damage.

Objective Four
Water users will be required to conserve water during drought or when stream health is threatened.

Options to address temporary water scarcity
A. Discretional
B. Sharing
C. Hierarchy of uses
D. Priority date

WHICH OPTIONS DO YOU PREFER AND WHY? ARE THERE OTHERS?

IWFF: Option C. As noted previously, where stream health is threatened by temporary water scarcity, other water uses affecting stream levels should be reduced if they are likely to have an adverse impact in this regard.

Options to address long term water scarcity
E. Through a mandatory water management planning process.
F. At the request of the water users or communities

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WHICH OPTION DO YOU PREFER, AND WHY?ARE THERE OTHERS?

IWFF: Option E. The alternative is likely to be motivated more by self interest than the larger problem which may be better served by an overall "arms length" plan that deals with a water scarcity.

Other Options: **IWFF:** A watershed manager could require a plan to deal with a scarcity or there could be provisions made in a watershed plan for such likely scenarios as drought or floods.

Goal Four
Regulate groundwater extraction and use

8.1 Objective for regulating groundwater extraction and use

1.Groundwater extraction and use is regulated in priority (critical) areas and for all large withdrawals.

INDICATE YOUR LEVEL OF SUPPORT FOR THE OBJECTIVE PROPOSED

IWFF: Support

Options for determining the thresholds for large groundwater withdrawals

A. The threshold for large could be
500m3/day for wells in sand/gravel
100m3/day for wells in bedrock
OR
B. The threshold for large could be
250m3/day for wells in sand/gravel
100m3/day for wells in bedrock

(500m3/day would supply 200-250 single residential homes……250m3/day, half that.)

WHICH THRESHOLD DO YOU PREFER, AND WHY? ARE THERE OTHERS?

IWFF: Option B, for greater control of extraction, as indicated.

Other Options: **IWFF:** Require additional regulation of groundwater and use outside priority and large withdrawal areas if a water manager deems this desirable due to concerns raised by development.

Options for determining priority areas to regulate groundwater extraction and use.

A. Heavy groundwater extraction and use
B. Area of known quantity concern
C. Groundwater in direct hydraulic connection
D. Significant population that is reliant on groundwater
E. Trans-boundary aquifers
F. Basins where surface water is at or near the allocation limit
G. Any combination of the above

WHICH OPTIONS DO YOU PREFER, AND WHY? ARE THERE OTHERS?

IWFF: All of A-F are of concern

Other concerns: **IWFF:** Incremental development

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ADDITIONAL INPUT REQUESTED SECTION FOLLOWS

Your views are welcome on the proposed principals (pg 5)

1. BC's water resources are used within sustainable limits

IWFF: The expected increase in the BC population of 1.4 million people in the next 25 years (p3) is in large measure the result of federal policies, which, like other levels of government, see continuous growth and development as positive for society. Population pressure is the **driver** of resource consumption, depletion, and degradation. Sustainability means living within the means of resource renewal, with a set of standards which provide a quality of life for people, but it becomes increasingly difficult to do this as population driven consumption pushes resources beyond the bounds of renewal. Without limits to population growth, sustainability, while a laudable goal, has limited meaning. An educational effort and leadership to promote stability, not continuous growth, would be a step in the right direction !

4. Water resource legislation, policy and decision making processes as well as management tools are integrated across all levels of government.

IWFF: With about 21 Acts governing water use, this would seem like an appropriate time to reduce and integrate some of these, where possible.

5. Rules and standards for water management are clearly defined, providing a predictable investment climate across the province.

IWFF: In this regard, it would seem worthwhile for the province to have an overall land use plan to indicate which parts of BC are developed, and which parts are left in various degrees of natural environment. This too would provide a predictable climate for investment, a blueprint for municipal planning, and protection of the province's scenic beauty , which would appeal to investors, visitors, and residents alike.

7. Incentives are created for water conservation that consider the needs of users and investors.

IWFF: There are numerous water conservation measures available such as permeable hard surfaces in walks and driveways, capture and storage of roof runoff, re-use of grey water, changes in landscaping, etc. Some of these may require government incentives, while others could be brought about by requiring some of these measures as condition of approval for development.

8. Rights to use water come with responsibilities to be efficient and help protect stream health.

IWFF: Stream health could be mandated by the province.

Additional Input Items on page 35(other than Principals,p5)

Are there additional opportunities for the modernization of the Water Act to integrate with federal and provincial legislation?

IWFF: See comment (4) above. This would best be left to a team of legal experts, planners, and water regulators that use the various Acts .

What are appropriate criteria for determining at risk or priority watersheds?

IWFF: 1-10 BELOW

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1.Watersheds that historically contained significant stocks of resident trout or spawning salmon and are now in low numbers or absent.
2.Contain threatened or endangered species
3. Offer quality recreational or wilderness experience
4.watersheds degraded by pollution or development
5.where water use exceeds replenishment
6.contain critical habitats for fish, wildlife, or plants
7.areas subject to extremes of flood or drought
8.areas of scenic beauty
9.contain significant areas of historic, natural, or scientific interest
10.where old growth forest form a significant portion of the watershed

How will these proposals specifically affect you or your community?

IWFF: For that, it would be necessary to see specific proposals !

How can we improve the proposals so your interests are taken into account?

IWFF: Give a much higher priority to the maintenance of fish habitat and riparian areas than indicated in this discussion paper.

What kinds of collaborative processes would you like to see for future water stewardship?

IWFF: Meetings , reports, plans, updates, on a watershed or multi-watershed (regional?) basis, with input from stakeholders such as our club.

Will the possible solutions adequately equip future generations to manage water sustainably ?

IWFF: No! See previous response to Principals section on Page5 of your paper.

What have we missed?

IWFF: This has been mostly been described elsewhere in our response. However, one glaring omission is any mention of dams, and provincial "run of the river projects".

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